

2015 Proposed Milford Zoning Changes

1. Zoning Ordinance Definitions

Amend Article IV: Definitions to modify “Groundwater” and “Manufactured Housing for consistency with State RSA’s, and remove “Animal Feed Lot”, “Independent Senior Housing Units”, and “Leachable Wastes” as they are no longer used within the Zoning Ordinance.

- Amend **Groundwater:** ~~Subsurface water that occurs beneath the water table in soils and geologic formations. [NH RSA 485-C, Groundwater Protection Act] (2015) Groundwater: Slowly moving subsurface water present in aquifers and recharge areas.~~
- Amend **Manufactured Housing:** ~~Any structure, transportable in one or more sections, which, when in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) sq. ft. or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained herein. Manufactured housing as defined in this section does not include pre-site built housing as defined in NH RSA 674:31-A or recreational vehicles as defined in this code (See Pre-site Housing). (1995) A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured housing does not include a recreational vehicle. Generally, manufactured homes must meet the same requirements as stick built or conventional housing. Because they are usually residential buildings, they must be elevated so that the lowest floor is above the Base Flood Elevation (BFE). (2015)~~
- Remove **Animal Feed Lot:** ~~Land on which livestock is kept for the purpose of feeding.~~
- Remove **Independent Senior Housing Units:** ~~Dwelling units for persons fifty-five (55) years of age and older. (2011)~~
- Remove **Leachable Wastes:** ~~Waste materials including solid wastes, sewage, sludge, and agricultural wastes that are capable of releasing waterborne contaminants to the surrounding environment.~~

2. Zoning Districts and Regulations

Amend article V: Section: 5.02.2.12, 5.03.1.E, 5.05.1.V, 5.07.1.k, and 5.08.2.6 to remove ‘Senior Housing Developments’ as either an acceptable use or special exception as this use is no longer applicable.

3. Overlay Districts

Amend Article VI: Section: 6.02.0 Wetland Conservation District to revise definition of ‘Surface Water’ to be consistent with the state definition used in Section 6.01.1.B Groundwater Protection District

- Amend **Surface water:** ~~Perennial and intermittent streams, lakes, ponds, marshes, watercourses, and other bodies of water, natural or artificial. Streams, lakes and ponds, including marshes, watercourses and other bodies of water, natural or artificial. [NH RSA 485-A:2 XIV]~~

Amend Article VI: Section: 6.03.0 Floodplain Management to remove definition of ‘Manufactured Home’ and replace in its entirety with definition of “Manufactured Housing” as defined in the National Flood Insurance Program (NFIP) Policy Index to be consistent.

- Amend **Manufactured Home:** ~~Any structure, transportable in one or more sections, which, when in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) sq. ft. or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical~~

~~heating systems contained herein. Manufactured housing as defined in this section does not include pre-site built housing as defined in NH RSA 674:31-A or recreational vehicles as defined in this code (See Pre-site Housing). (1995)~~

Manufactured Housing: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle. Generally, manufactured homes must meet the same requirements as stick built or conventional housing. Because they are usually residential buildings, they must be elevated so that the lowest floor is above the Base Flood Elevation (BFE).

Amend Article VI: Section: 6.04.0 Open Space Conservation District to revise paragraph of section 6.04.5.C to remove last sentence relative to Senior Housing Developments as this use is no longer applicable.

- Amend ~~'Of the minimum required Open Space fifty (50) percent must consist of non-wetland soils and soils with slopes less than twenty-five (25) percent. The remaining fifty (50) percent may consist of a mix of high value natural resources as listed in D.1 below and buildable land. If the OSPD is a Senior Housing Development, as defined in Section 7.07.0 of the Zoning Ordinance, the green space requirements of Section 7.07.4.E shall apply.'~~

4. **Supplementary Standards- Sign Ordinance**

To amend the current Sign Ordinance to align with State law updates and current Town enforcement procedures.

Amend Article VII: Section 7.06.3 Definitions to modify 'Banner Sign', 'Changing Sign (electronic)', 'Flag', 'Flashing Sign', 'Portable Sign', 'Temporary Sign', and 'Wall Sign' and add definition of 'Storefront'.

- Amend **Banner sign**: A temporary sign of lightweight material (paper, plastic or fabric) hung either with or without frames. Flags and insignias containing markings of any government, corporation or business are not considered banners, and are defined as flags. ~~Banner signs are regulated as STT and LTT signs for the purpose of this Article.~~
- Amend **Changing sign (electronic)**: A sign that is either electronically or electrically controlled to illustrate different copy changes on the same sign. This sign's message may be changed by electronic switching or automatic switching of lamps or alteration in the level of illumination or other illumination source to form words, letters, designs, figures, numerals and pictures often through the apparent vertical or horizontal movement of light. Such signs shall not include a flashing light source. In the case of a changing sign (electronic), flashing shall be defined as an internal of illumination less than five (5) minutes in duration; provided, however, that time and temperature text shall be maintained for a period of fixed illumination of not less than five (5) seconds in duration. A changing sign includes, without limitation, time, temperature, date and message centers or reader boards, indexing signs, and those known as electronic message centers. (Also see "flashing sign".) ~~Changing signs (electronic) cannot be flashing signs as defined by this regulation.~~
- Amend **Flag**: Banners that represent a nation, state or other political or corporate entity, ~~or display "open", or business hours of operation, or business identification with no advertising are considered portable signs.~~
- Amend **Flashing Sign**: A ~~flashing~~ sign that contains an intermittent light source or includes the illusion of intermittent light by means of animation or an externally mounted intermittent light source. Flashing signs are prohibited in all zoning districts in the Town.
- Amend **Portable Sign**: Any sign not permanently attached to the ground or ~~permanent structure, or a sign designed to be transported.~~ Portable signs include, but are not limited to, signs designed to be transported by means of wheels, A-frame signs, menu and sandwich board signs, and advertising flags. Flags that indicate "Open" or hours of operation, or business identification are not considered portable signs. ~~Also see "contractor job sign," "temporary sign."~~

- Amend **Temporary sign**: Any sign established for any period of less than six (6) months. ~~Please See definitions for portable, of short term temporary, signs and long term temporary signs.~~
- Amend **Wall sign**: Any sign attached parallel to the building wall or other surface to which it is mounted that does not extend more than twelve (12) inches from said surface and has only one (1) sign face that is intended to be read parallel to the wall or other surface to which it is mounted. ~~Window signage shall not be included in the total allowable wall sign area. This Wall sign also includes any sign established on any other part of a building provided that the sign is on a plane parallel to the wall of the building. Wall signs may not project above the top of a parapet, wall or the roof line at the wall, whichever is highest. A wall sign is also that sign established on a false wall or false roof that does not vary more than thirty (30) degrees from the plane of the building's parallel wall. Also, fascia signs or façade signs. (2013)~~
- Add definition of **Storefront**: The side of the store or business facing the public right-of-way or from which provides primary customer or business access.

Amend Article VII: Section 7.06.4 Prohibited Signs to revise paragraph of section 7.06.4.E, and 7.06.4.H and remove Section 7.06.4.K.

- Amend paragraph 7.06.4.E: Any flashing sign, ~~changing sign (electronic) or other sign or lighting device, whether on the exterior of the building, or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, scintillating, blinking, or strobe light illumination, including an electronic message device,~~ except as provided for herein, or the regulations applicable to a particular sign structure; and,
- Amend paragraph 7.06.4.H: Any sign ~~mechanically~~ animated by attachment ~~by, any means, including fixed aerial displays, balloons, including strings of flags, steamers or devices~~ affected by the movement of the air; and,
- Remove paragraph 7.06.4.K: ~~-K. Any portable sign or attention getting device including, but not limited to: sandwich, A-frame, tire rim, animated sign, stuffed animal, or vehicle used as a sign or sign structure; and/or string of lights arranged in the shape of a product, arrow, or any commercial message, except as provided for herein, or where permitted in the Oval Sub-District. A-frame signs not exceeding six (6) square feet may be used on a public sidewalk in the Oval Sub-District where approved by Code Enforcement provided they do not obstruct or interfere with pedestrian traffic; and,~~

Amend Article VII: Section 7.06.5 General Administration to revise paragraph 7.06.5.C.17

- Amend paragraph 7.06.5.C.17 to state: 17. Signs that are ~~portable as defined herein and temporary in nature and not covered in the foregoing categories and subject to Section 7.06.I; provided that such signs meet the following restrictions:~~
 - ~~a. Not more than one (1) such sign may be located on any lot;~~
 - ~~b. No such sign may exceed six (6) square feet in surface area; and,~~
 - ~~c. The maximum sign height shall be six (6) feet above grade to the top of the sign and its supporting structure; and,~~
 - ~~d. Such a sign may not be displayed for longer than seven (7) consecutive days and no more than fourteen (14) days out of any one (1) year period. (2013)~~
 - ~~e. The Code Administrator is authorized to mark temporary signs in any reasonable way that does not interfere with the content of the temporary sign so as to ensure compliance with this Article.~~
- Amend Article VII: Section 7.06.7:D Awning Signs/Canopy Signs/Marquee Signs/Projecting and Suspended Signs to revise Section 7.06.7:D.3
 - ~~The copy area of awning/Canopy/Marquee signs is computed as all or a portion of the allowed wall sign area. The amount of sign area allowed is included with the total allowed square footage of the Wall/Fascia/Facade signs.~~

Amend Article VII: Section: 7.06.7.E Wall Signs (Fascia Sign Or Façade Sign) to remove in its entirety and replace with the following language:

- Amend **E Wall Signs (Fascia Sign Or Façade Sign)**

- Definition: **Wall Sign:** Any sign attached parallel to the building wall or other surface to which it is mounted that does not extend more than twelve (12) inches from said surface and has only one (1) sign face that is intended to be read parallel to the wall or other surface to which it is mounted. Window signage shall not be included ~~as in the~~ total allowable wall sign area. ~~This Wall~~ sign also includes any sign established on any other part of a building provided that the sign is on a plane parallel to the wall of the building. Wall signs may not project above the top of a parapet, wall or the roof line at the wall, whichever is highest. A wall sign is also that sign established on a false wall or false roof that does not vary more than thirty (30) degrees from the plane of the building's parallel wall. Included within this definition are signs commonly called fascia signs or façade signs. (2013)

- Applicability: The following table [7.06-2] summarizes the standards regarding Wall Signs: (2015)

	Zoning Districts								
	C	I	ICI	ICI-2	LCB	A	B	R	OSD
Standards									
Permitted?	Y	Y	Y	Y	Y	Y	Y	Y	Y
Permit Required?	Y	Y	Y	Y	Y	Y	Y	Y	Y
Design Characteristics									
Electronic message copy	Y	Y	Y	Y	Y	Y	Y	Y	Y
Price numbering signs	Y	Y	Y	Y	Y	N	N	N	Y
Changeable copy	Y	Y	Y	Y	Y	N	N	Y	Y
Maximum Area per Storefront Sign	***	***	***	***	**	*	*	*	**

Table 7.06-2

* = Fifty percent (50%) of the storefront's linear measure or maximum of one hundred (100) square feet, whichever is less.

** = Seventy-five percent (75%) of the storefront's linear measure or maximum of fifty (50) square feet, whichever is less.

*** = For storefronts located within fifty (50) feet from the property line of an abutting street a maximum of seventy five percent (75%) of the storefront's linear measure or fifty (50) square feet, whichever is less shall be allowed.

For storefronts located greater than fifty (50) feet from the property line of an abutting street, the wall sign total maximum area shall be calculated using the following formula:

Storefront Linear Measure x Multiplier (see chart below) = Total maximum sign area in square feet or one hundred (100) square feet, whichever is less shall be allowed.

Distance of Storefront from Property Line with main point of access of abutting street	Storefront Multiplied By
50-99	1.0
100-249	1.5
250 and over	2.0

3. The total area for all wall signage shall not exceed the allowable maximum sign area per storefront.
4. ~~The amount of sign area allowed is included with the total allowed square footage of the Awning/Canopy/Marquee signs.~~ The copy area of awning/Canopy/Marquee signs is computed as all or a portion of the allowed wall sign area.
5. One (1) directory wall sign or monument sign may be located per building entrance or driveway access with frontage on a street or parking area. Maximum area shall be one (1) square foot per tenant with a combined area not to exceed thirty-two (32) square feet. Directory signs shall not require permits if located so as not to be viewed from a public right of way or adjoining premises. If a directory sign can be viewed from a public right of way or adjoining property, the directory sign shall be included in the maximum area allowed for the premises.
6. For the purpose of this section, in the case of multi-tenant buildings, the location of the storefront and its linear measure shall be used to determine distance from abutting street.

Amend Article VII: Section: 7.06.7.I Temporary On-Premise Signs to remove in its entirety and replace with the following language:

- Amend I **Portable, Short-Term Temporary (STT), and Long-Term Temporary (LTT) On-Premise Signs Temporary On-Premise Signs**

~~1. Definition:~~

~~a. A Short-Term Temporary (STT) on premise sign is a sign that directs attention to a business, commodity, attraction, profession, service or entertainment conducted, sold, offered, manufactured, existing, or provided at a location on the same premises where the sign is located or to which it is affixed and is established for no more than fourteen (14) calendar days.~~

~~b. A Long-Term Temporary (LTT) on premise sign is a sign that directs attention to a business, commodity or attraction, conducted, sold, offered, existing, or provided at a location on the same premises where the sign is located or to which it is affixed and is established for a period of not more than six (6) months~~

1. Applicability: The following tables [7.06-8,7.06-9] summarize the standards regarding On-Premise Signs: (2013)

Portable Signs:

	Zoning Districts
--	------------------

Standards	C	I	ICI	ICI-2	LCB	A	B	R	OSD
Permitted?	Y	Y	Y	Y	Y	Y	Y	Y	Y
Permit Required?	N	N	N	N	N	N	N	N	N
Number per Business Address	2	2	2	2	2	2	2	2	1
Dimensions									
Maximum area per sign	6	6	6	6	6	6	6	6	6

E. Table 7.06-8

Short-Term Temporary (STT) On-Premise Signs:

	Zoning Districts								
Standards	C	I	ICI	ICI-2	LCB	A	B	R	OSD
Permitted?	Y	Y	Y	Y	Y	N	N	N	Y
Permit Required?	*	*	*	*	*				*
Number per site	2	2	2	2	2				2
Dimensions									
Maximum area per sign	50	50	50	50	32				16

Table 7.06-9

Long-term Temporary (LTT) On-Premise Signs:

	Zoning Districts								
Standards	C	I	ICI	ICI-2	LCB	A	B	R	OSD
Permitted?	N	N	N	N	N	Y	Y	Y	N
Permit Required?						*	*	*	
Number per site						2	2	2	
Dimensions									
Maximum area per sign						**	**	**	

Table 7.06-10

* = A STT or LTT sign with an area that is equal to or less than **twelve six (126)** square feet does not require a permit. A STT or LTT sign with an area that is greater than **twelve six (126)** feet must have a permit.

** = LTT signs area depends on the total acreage of the property where the sign is to be established. For properties consisting of less than five (5) acres of land, the maximum area permitted is six (6) square feet. For properties five (5) acres or larger, the maximum area permitted is twelve (12) square feet without a permit and sixteen (16) square feet with a permit.

- a. An applicant may apply no more than six (6) times in any twelve months for a permit for a STT sign. A permit for a STT sign is valid for thirty (30) days and expires without further action by the Code Administrator. The fee for temporary sign permits is waived.
 - b. An applicant may apply no more than two (2) times in any twelve months for a permit for an LTT sign. A permit for a LTT sign is valid for seven (7) months and expires without further action by the Code Administrator. The fee for LTT sign permits is waived.
 - c. An applicant in a non-residential district may apply to the Zoning Board of Adjustment for a special exception to be allowed a LTT sign.
2. No STT or LTT signs may be established in any public right-of-way. The purpose of this restriction is to ensure that temporary signs do not impede pedestrian or vehicle traffic or otherwise create a public safety hazard in any area that is regularly traveled by the public on foot or by vehicle.

5. Administrative Relief

Amend Article X: Section 10.06.0 Administrative Relief to revise paragraph to bring Zoning Ordinance into compliance with a 2013 RSA change that requires Zoning Board approvals be valid for a period of two years.

- Amend paragraph 10.06.0 to state: 10.06.0 EXPIRATION (~~2009-2015~~)

If within ~~one~~ **two (24)** years after the granting of a variance or special exception by the Board of Adjustment, none of the work required by a building permit covered by a variance or special exception has been executed, then such variance or special exception shall become null and void except in any case where legal proceedings relative to the variance or special exception shall have caused an undue delay in the execution of the required building permit. Only one, six-month extension may be granted for any variance or special exception. The applicant may apply for the extension at a regularly scheduled Zoning Board meeting.